



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 26 2008

REPLY TO THE ATTENTION OF:

AE-17J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Brian Becker  
A&B Metal Recycling  
3049 East 55th Street  
Cleveland, Ohio 44127

Re: Finding of Violation  
A&B Metal Recycling

Dear Mr. Becker:

This is to advise you that the U. S. Environmental Protection Agency has determined that A&B Metal Recycling's facility at 3049 East 55th Street, Cleveland, Ohio (A&B or facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. Persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance are required to:

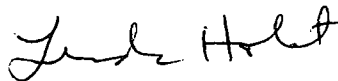
- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through signed statements, that the refrigerant has been evacuated from the appliance or shipment of appliances previously.
- 3) Maintain the signed statements on-site for a minimum of three years.

EPA finds that A&B has violated the above-listed regulations from 40 C.F.R. Part 82, Subpart F.

We are offering you the opportunity to request a conference with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this notice and should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Natalie Topinka. You may call her at (312) 886-3853 if you wish to request a conference. EPA hopes that this FOV will encourage A&B's compliance with the requirements of the CAA.

Sincerely,



Cheryl L. Newton  
Acting Director  
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency

Dennis Bush, Supervisor  
Northeast District Office  
Ohio Environmental Protection Agency

**United States Environmental Protection Agency  
Region 5**

IN THE MATTER OF:	)	
A&B Metal Recycling	)	
Cleveland, Ohio	)	FINDING OF VIOLATION
Proceedings Pursuant to	)	
the Clean Air Act,	)	EPA-5-08-OH-14
42 U.S.C. §§ 7401 et seq.	)	
	)	

**FINDING OF VIOLATION**

A&B Metal Recycling (A&B or you) owns and operates a scrap recycling facility at 3049 East 55th Street, Cleveland, Ohio (the facility).

The U. S. Environmental Protection Agency is sending this Finding of Violation to you for failing to reduce emissions of ozone-depleting substances as required at 40 C.F.R. Part 82, Subpart F.

**Explanation of Violations**

1. A&B, as the final disposer of appliances, is subject to a portion of the regulations for the Protection of Stratospheric Ozone located in 40 C.F.R. Part 82, Subpart F. The Subpart F regulations contain recycling and emissions reduction requirements for ozone depleting substances. The purpose of the regulations is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a). Among the practices required by the regulations is the requirement that recyclers who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance:
  - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156, or
  - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must provide a signed statement from the person from whom the appliance or shipment of appliances is obtained, that

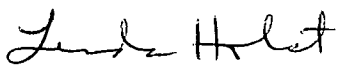
all refrigerant that had not leaked previously has been recovered from the appliances or shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f).

- c. In addition, the signed statements obtained pursuant to 40 C.F.R. § 82.156(f)(2) must be maintained on-site by the entities that dispose of appliances for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).
2. During EPA's April 8, 2008, inspection, EPA was informed that A&B accepts refrigerant-containing appliances for recycling.
  3. At the time of the inspection, EPA was informed that A&B does not recover refrigerant from appliances that are brought to the facility.
  4. At the time of the inspection, EPA was informed that A&B does not require verification statements attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliance(s) to A&B.

#### **Environmental Impact of Violations**

Violations of the standards for ozone-depleting substances lead to an increase in the depletion of stratospheric ozone ("the ozone layer"). The ozone layer protects humans as well as many plants and animals by filtering harmful ultraviolet radiation from the sun.

6/26/08  
Date

  
for Cheryl L. Newton  
Acting Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-08-OH-14 by Certified Mail, Return Receipt Requested, to:

Brian Becker  
A&B Metal Recycling  
3049 East 55th Street  
Cleveland, Ohio 44127

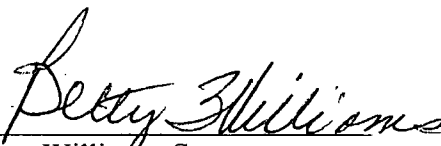
on the    day of June, 2008.

I also certify that I sent a copy of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
Lazarus Government Center  
P.O. Box 1049  
Columbus, OH 43216-1049

And

Dennis Bush, Supervisor  
Northeast District Office  
Ohio Environmental Protection Agency  
2110 East Aurora Road  
Twinsburg, Ohio 44087

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000614478263